



Federal Register

**Monday,
December 13, 2004**

Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY (DHS)

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC-RP-04-001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department of Homeland Security (Department or DHS). The regulatory agenda is a semiannual summary of all current and projected rulemakings, and completed actions of the Department. This is the Department's third semiannual agenda and second regulatory plan. Under the Homeland Security Act of 2002, Public Law 107-295 (Homeland Security Act), 22 pre-existing agencies or components transferred to DHS. The Department of Homeland Security is comprised of five major divisions or directorates: Border and Transportation Security; Emergency Preparedness and Response; Science and Technology; Information Analysis and Infrastructure Protection; and Management. Besides the five Directorates of DHS, several other critical agencies were folded into the Department or were created including the U.S. Coast Guard, the U.S. Secret Service, the U.S. Citizenship and

Immigration Services, the Office of Private Sector Liaison, and the Office of Inspector General.

Although DHS is relatively new, many of its components had active regulatory agendas that have carried into this agenda, such as the legacy Immigration and Nationalization Service (INS), which has been divided into the U.S. Citizenship and Immigration Services, the Bureau of Immigration and Customs Enforcement, and the Bureau of Customs and Border Protection. Together, the latter components alone comprise half of the DHS regulatory agenda. The legacy INS rulemakings primarily set forth application or other process standards for obtaining benefits, privileges, or other attributes afforded to visa or citizen holders. Other DHS components, such as the U.S. Coast Guard and the Transportation Security Administration (TSA), have regulatory functions rooted in promulgating safety or security standards. DHS recently joined the Environmental Protection Agency Federal Partner On-line Electronic Docket System (EDocket). Members of the public may access this docket at: <http://www.epa.gov/feddoCKET>. All Coast Guard and TSA electronic dockets may continue to be accessed at: <http://dms.dot.gov>. Since Coast Guard and TSA were originally on the Department of Transportation's (DOT) electronic Docketing Management System, those agencies will remain on that system until DHS fully migrates to the Federal Electronic Docketing System to occur sometime in late fiscal year 2005.

The DHS agenda provides the public with information about the Department's regulatory practices. It is

expected that this information will enable the public to more effectively participate in the Department's regulatory activities. The public is also invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the agenda in general to the Regulations Division, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

Specific

You should direct all comments and inquiries on the particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the DHS components.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

For this edition of DHS' regulatory agenda, the most significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate number in part II. DHS' Statement of Regulatory Priorities is also included in part II.

Dated: September 24, 2004.

Laticia Argenti,

Deputy Associate General Counsel for Regulations.

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1143 | Supplemental Standards of Conduct for Employees of the Department of Homeland Security | 1601-AA17 |
| 1144 | Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Ed., Hospitals, and Other Nonprofit Orgs. | 1601-AA18 |
| 1145 | Homeland Security Information Sharing (Reg Plan Seq No. 68) | 1601-AA25 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

DHS

U.S. Coast Guard—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1258 | Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697) | 1625-AA03 |
| 1259 | State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123) | 1625-AA06 |
| 1260 | Numbering of Undocumented Barges (USCG-1998-3798) | 1625-AA14 |
| 1261 | Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (CGD 95-062) | 1625-AA16 |
| 1262 | Marine Events: Permit Procedures (USCG-2001-10713) | 1625-AA35 |
| 1263 | Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421) | 1625-AA40 |
| 1264 | Traffic Separation Schemes: In the Strait of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702) | 1625-AA48 |
| 1265 | Administrative Changes To Numbering of Vessels and Reporting of Casualties (USCG-2003-14963) | 1625-AA70 |
| 1266 | Commercial Fishing Industry Vessels (USCG-2003-16158) (Reg Plan Seq No. 72) | 1625-AA77 |
| 1267 | Pollution Prevention Equipment (USCG-2004-18939) | 1625-AA90 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Coast Guard—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1268 | Reporting Marine Casualties (USCG-2000-6927) | 1625-AA04 |
| 1269 | Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623) | 1625-AA17 |
| 1270 | Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD17-99-002) | 1625-AA23 |
| 1271 | Post Casualty Drug and Alcohol Testing (USCG-2001-8773) (Reg Plan Seq No. 73) | 1625-AA27 |
| 1272 | Rates for Pilotage on the Great Lakes (USCG-2002-11288) | 1625-AA38 |
| 1273 | Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking (USCG-2003-14472) | 1625-AA63 |
| 1274 | Terms Imposed by States on Numbering of Vessels (USCG-2003-15708) | 1625-AA75 |
| 1275 | Review and Update of Standards for Marine Equipment (USCG-2003-16630) | 1625-AA83 |
| 1276 | Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455) | 1625-AA85 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

U.S. Coast Guard—Long-Term Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1277 | Safety Zone Regulations | 1625-AA00 |
| 1278 | Special Anchorage Areas/Anchorage Grounds Regulations | 1625-AA01 |
| 1279 | Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) | 1625-AA02 |
| 1280 | Escort Vessels for Certain Tankers (CGD 91-202) | 1625-AA05 |
| 1281 | Regatta and Marine Parade Regulations | 1625-AA08 |
| 1282 | Drawbridge Regulations | 1625-AA09 |
| 1283 | Escort Vessels in Certain U.S. Waters (CGD 91-202a) | 1625-AA10 |
| 1284 | Regulated Navigation Areas | 1625-AA11 |
| 1285 | Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705) | 1625-AA12 |
| 1286 | Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354) | 1625-AA13 |
| 1287 | Outer Continental Shelf Activities (USCG-1998-3868) | 1625-AA18 |
| 1288 | Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417) | 1625-AA19 |
| 1289 | Deepwater Ports (USCG-1998-3884) | 1625-AA20 |
| 1290 | Commercial Diving Operations (USCG-1998-3786) | 1625-AA21 |
| 1291 | Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501) | 1625-AA22 |
| 1292 | Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080) | 1625-AA25 |
| 1293 | Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661) | 1625-AA26 |
| 1294 | Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826) | 1625-AA29 |

DHS

U.S. Coast Guard—Long-Term Actions (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1295 | Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163) | 1625-AA31 |
| 1296 | Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) | 1625-AA32 |
| 1297 | Drawbridge Operations Regulations; Revisions (USCG-2001-10881) | 1625-AA36 |
| 1298 | Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865) | 1625-AA41 |
| 1299 | Protection for Whistleblowers in the Coast Guard (USCG-2002-13016) | 1625-AA50 |
| 1300 | Vessel Traffic Service Lower Mississippi River (USCG-1998-4399) | 1625-AA58 |
| 1301 | Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472) | 1625-AA59 |
| 1302 | Escort Vessels for Certain Tankers—Crash Stop Criteria (USCG-2003-14734) | 1625-AA65 |
| 1303 | Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500) | 1625-AA81 |
| 1304 | Security Zone Regulations | 1625-AA87 |
| 1305 | Dry Cargo Residue Discharges in the Great Lakes (USCG-2003-16814) | 1625-AA89 |

U.S. Coast Guard—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1306 | Training and Qualifications for Personnel on Passenger Ships (USCG 1999-5610) | 1625-AA24 |
| 1307 | Alternate Tonnage Convention: Small Passenger Vessels | 1625-AA37 |
| 1308 | Penalties for Nonsubmission of Ballast Water Management Reports (USCG-2002-13147) | 1625-AA51 |
| 1309 | Mandatory Ballast Water Management Program for U.S. Waters (USCG-2003-14273) | 1625-AA52 |
| 1310 | Country of Origin Codes and Revision of Regulations on Hull Identification Numbers (USCG-2003-14272) | 1625-AA53 |
| 1311 | Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858) | 1625-AA57 |
| 1312 | Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000-6931) | 1625-AA60 |
| 1313 | Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels (USCG-2000-8589) | 1625-AA62 |
| 1314 | Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2003-16688) | 1625-AA82 |
| 1315 | Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CGD 08-04-004) | 1625-AA84 |
| 1316 | Unauthorized Entry Into Cuban Territorial Waters (USCG-2004-17509) | 1625-AA86 |

Directorate of Border and Transportation Security—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1317 | United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Auth. To Collect Biometric Data From Addit'l Travelers and Expansion to 50 Most Highly Trafficked Land Border Ports (Reg Plan Seq No. 74) | 1650-AA00 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Bureau of Customs and Border Protection—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1318 | Advance Notice Requirements for Aircraft Landings and Arrivals; Revisions to the Private Aircraft Overflight Program | 1651-AA41 |
| 1319 | Prior Disclosure and Lost Duty or Revenue Demands When Penalty Claim Not Issued | 1651-AA42 |
| 1320 | Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines | 1651-AA45 |
| 1321 | Reinstatement of Transit Program | 1651-AA50 |

DHS—BCIS

Completed Actions

promulgation of the Departments rulemaking this action is no longer necessary. USCIS is reviewing appropriate sections in 8 CFR 103 that pertain to FOIA to remove applicable provisions that are no longer applicable. Accordingly, USCIS will plan to issue an interim final rule in calendar year 2005 to update 8 CFR 103 to remove outdated sections in 8 CFR 103 that have been superseded by 6 CFR chapters 1 and 5.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/02/04 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: CIS No.1942-98

Transferred from RIN 1680-AA00

Agency Contact: Mildred Carter, Program Specialist, Department of Homeland Security, Bureau of Citizenship and Immigration Services, (ULLICO), Office of Records Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514-1722

RIN: 1615-AB18

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)

Proposed Rule Stage

1258. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG-2004-17697)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2713; 33 USC 2714

CFR Citation: 33 CFR 136

Legal Deadline: None

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992 and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| Interim Rule | 08/12/92 | 57 FR 36314 |
| Correction | 09/09/92 | 57 FR 41104 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Interim Rule Comment 12/10/92

Period End

NPRM 01/00/05

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Transferred from RIN 2115-AD90

Agency Contact: Carolyn R. Boltin, Project Manager, National Pollution Fund Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203
Phone: 202 493-6864

RIN: 1625-AA03

1259. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (USCG-2004-19123)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2712

CFR Citation: 33 CFR 133

Legal Deadline: NPRM, Statutory, February 18, 1991.

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and clean-up efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Interim Rule 11/13/92 57 FR 53968

Interim Final Rule 02/11/93

Comment Period End

Supplementary NPRM 03/00/05

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: The rulemaking priority was downgraded from Other Significant to Substantive, Nonsignificant in the November 14, 1994, agenda. However, due to administrative error, the document erroneously reflected Other Significant in subsequent agenda entries.

Transferred from RIN 2115-AE19

This rulemaking was formerly docket number CGD92-014.

Agency Contact: Allen R. Thuring, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804

Phone: 202 493-6801

RIN: 1625-AA06

1260. NUMBERING OF UNDOCUMENTED BARGES (USCG-1998-3798)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12301

CFR Citation: 33 CFR 189

Legal Deadline: None

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented

DHS—USCG

Proposed Rule Stage

barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|------------------|-------------|
| Request for Comments | 10/18/94 | 59 FR 52646 |
| Comment Period End | 01/17/95 | |
| ANPRM | 07/06/98 | 63 FR 36384 |
| ANPRM Comment Period End | 11/03/98 | |
| NPRM | 01/11/01 | 66 FR 2385 |
| NPRM Comment Period End | 04/11/01 | |
| NPRM Reopening of Comment Period | 08/12/04 | 69 FR 49844 |
| NPRM Comment Period End | 11/10/04 | |
| Final Rule | To Be Determined | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 93-091. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision. We are in the process of deciding how to respond to the comments we have received.

Transferred from RIN 2115-AF13

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271-2506

RIN: 1625-AA14

1261. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (CGD 95-062)

Priority: Other Significant

Legal Authority: 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 15

Legal Deadline: None

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current rules to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. It is significant because of the potential impact on industry and the potential effect on international interests.

Timetable:

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| Notice of Meeting | 08/02/95 | 60 FR 39306 |
| Comment Period End | 09/29/95 | |
| Notice of Inquiry | 11/13/95 | 60 FR 56970 |
| Comment Period End | 01/12/96 | |
| NPRM | 03/26/96 | 61 FR 13284 |
| Notice of Public Meetings | 04/08/96 | 61 FR 15438 |
| Comment Period End | 07/24/96 | |
| Notice of Intent | 02/04/97 | 62 FR 5197 |
| Interim Rule | 06/26/97 | 62 FR 34505 |
| Interim Rule Effective | 07/28/97 | |
| Supplemental NPRM | 12/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 95-062.

Transferred from RIN 2115-AF26

Agency Contact: Mark Gould, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-6890

RIN: 1625-AA16

1262. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: This rule would revise Coast Guard procedures to expedite approval of organized marine events conducted on the navigable waters of the United States. These new procedures would establish general permits with nationwide or regional applicability and would encourage sponsors to submit information to the Coast Guard by electronic means. These new procedures would reduce the paperwork burden on both the public and the Coast Guard without adversely affecting vessel safety or the environment in the event areas. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG26

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0979

RIN: 1625-AA35

DHS—USCG

Proposed Rule Stage

1263. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG–2002–11421)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

Abstract: This rule would require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United States within any State or territory, the rule would not preempt any requirement established for such persons as specified by that State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory. The new requirement would reduce the number of persons who drown while participating in these activities. This project supports the Coast Guard's strategic goal of maritime safety.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG32**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0979

RIN: 1625–AA40**1264. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG–2002–12702)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223**CFR Citation:** 33 CFR 167**Legal Deadline:** None

Abstract: This rulemaking will propose amendments to the existing traffic separation schemes (TSS): in the Strait of Juan de Fuca and its approaches; in Puget Sound and its approaches; in Haro Strait, Boundary Pass, and in the Strait of Georgia. These amendments are approved by the International Maritime Organization and have been validated by several recent vessel routing studies. With the amendments in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of safety and protecting the marine environment.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/27/02 | 67 FR 54981 |
| NPRM Comment Period End | 10/28/02 | |
| Supplemental NPRM | 01/00/05 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Tribal

Additional Information: Based on comments received in response to the notice of proposed rulemaking (NPRM), the agency has decided to develop and publish a supplemental NPRM.

Transferred from RIN 2115-AG45

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: George Detweiler, Project Manager G–MWV, Department of Homeland Security, U.S. Coast

Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0574

RIN: 1625–AA48**1265. ADMINISTRATIVE CHANGES TO NUMBERING OF VESSELS AND REPORTING OF CASUALTIES (USCG–2003–14963)****Priority:** Substantive, Nonsignificant

Legal Authority: 31 USC 9701; 46 USC 2110; 46 USC 4302; 46 USC 4310; 46 USC 6101; 46 USC 6102; 46 USC 12301; 46 USC 12302; 46 USC 12502; PL 100–710; DHS Security Delegation No. 0170.1

CFR Citation: 33 CFR 173; 33 CFR 174; 33 CFR 181

Legal Deadline: None

Abstract: This rulemaking would amend the Coast Guard's rules on States' numbering of undocumented vessels and on the reporting of accidents. It would harmonize terminology governing the Standard Numbering System, the Vessel Identification System, and the Casualty or Accident Report to help us collect better data, process them more efficiently, and use them more effectively to prevent boating accidents. This project supports the Coast Guard's strategic goals of maritime safety and maritime security.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/04 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jeanne Timmons, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 205930001
Phone: 202 267–0857

RIN: 1625–AA70**1266. COMMERCIAL FISHING INDUSTRY VESSELS (USCG–2003–16158)**

Regulatory Plan: This entry is Seq. No. 72 in part II of this issue of the **Federal Register**.

RIN: 1625–AA77

DHS—USCG

Proposed Rule Stage

1267. • POLLUTION PREVENTION EQUIPMENT (USCG–2004–18939)

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1903; 46 USC 3703; DHS Delegation No. 0170.1

CFR Citation: 33 CFR 151; 33 CFR 155; 33 CFR 157; 46 CFR 162

Legal Deadline: None

Abstract: This rulemaking would revise the Coast Guard's pollution prevention equipment (PPE) regulations to reflect and implement International Convention for the Prevention of Pollution from Ships (MARPOL) Annex I, Regulations for the Prevention of Pollution guidelines and specifications

that Member States are invited to make applicable on or after January 1, 2005. The new standards will require equipment designed to reduce the amount of oil discharged from ships and eliminate the need for ozone-depleting solvents to test this equipment for approval. Additionally, this rulemaking proposes the removal of the bilge monitor standard to better align the 46 CFR subpart 162.050 regulations with the IMO PPE guidelines. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/04 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: LT George Grills, Project Manager (G–MSE–3), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 29593–0001
Phone: 202 267–6640
Email: ggrills@comdt.uscg.mil

RIN: 1625–AA90

**Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)**

Final Rule Stage

1268. REPORTING MARINE CASUALTIES (USCG–2000–6927)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 6101; 33 USC 1901 et seq

CFR Citation: 33 CFR 151; 46 CFR 4

Legal Deadline: None

Abstract: This action would add to the definition of a reportable marine casualty, “significant harm to the environment.” Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the consequence of pollution incidents and further supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| Request for Comments | 12/20/94 | 59 FR 65522 |
| Comment Period End | 02/20/95 | |
| NPRM | 11/02/00 | 65 FR 65808 |
| Supplemental NPRM | 07/12/01 | 66 FR 36530 |
| Supplemental NPRM Comment Period End | 09/10/01 | |
| Final Rule | 11/00/04 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AD98

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LCDR Charles Barbee, Project Manager, G–MOA–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–1418

RIN: 1625–AA04

1269. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG–1998–4623)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 51

CFR Citation: 46 CFR 45

Legal Deadline: None

Abstract: This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and

Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 11/02/98 | 63 FR 58679 |
| NPRM Comment Period Extended | 12/28/98 | 63 FR 71411 |
| Comment Period End | 01/04/99 | |
| NPRM Comment Period End | 03/04/99 | |
| Interim Final Rule | 04/23/02 | 67 FR 19685 |
| Interim Final Rule Effective | 05/23/02 | |
| Collection of Information Sections Effective | 06/20/02 | |
| Interim Final Rule—Announcement of Effective Date of COI Sections | 06/20/02 | 67 FR 41847 |
| Interim Final Rule Comment Period End | 10/23/02 | |
| Final Rule | 09/00/05 | |

Regulatory Flexibility Analysis Required: No

DHS—USCG

Final Rule Stage

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Old Docket Number CGD 95-015.

Transferred from RIN 2115-AF38

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: Thomas Jordan, Project Manager, G-MSE-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-2988

RIN: 1625-AA17

1270. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, ALASKA (CGD17-99-002)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 471; 33 USC 1231; 33 USC 2071

CFR Citation: 33 CFR 162; 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This rulemaking would grant an exemption from the present 7-knot speed limit in Tongass Narrows, Alaska, for float plane take-off and landing and vessels 23 feet in length or less. The geographic area for the speed limit would be expanded. A safety zone used for cruise ship anchorages would be redesignated as an anchorage area to reflect actual usage of the area and transiting vessels would be required to move quickly and directly through the anchorage, without rapid course changes, to increase safety. This project supports the Coast Guard's strategic goal of marine safety.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 03/25/99 | 64 FR 14414 |
| NPRM Comment Period End | 05/10/99 | |
| Interim Final Rule | 06/02/99 | 64 FR 29554 |
| Interim Final Rule Comment Period End | 11/30/99 | |
| Interim Final Rule | 04/07/00 | 65 FR 18242 |
| Interim Final Rule Comment Period End | 10/31/00 | |

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| Notice to Reopen Comment Period | 10/21/03 | 68 FR 60034 |
| Comment Period End | 12/22/03 | |
| Final Rule | 02/00/05 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AF81

Agency Contact: LT Gary Koehler, MSO, Juneau, Alaska, Department of Homeland Security, U.S. Coast Guard, 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801
Phone: 907 463-2470

RIN: 1625-AA23

1271. POST CASUALTY DRUG AND ALCOHOL TESTING (USCG-2001-8773)

Regulatory Plan: This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.

RIN: 1625-AA27

1272. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG-2002-11288)

Priority: Other Significant

Legal Authority: 46 USC 9303(f)

CFR Citation: 46 CFR 401

Legal Deadline: None

Abstract: The Coast Guard conducts an annual review of the Great Lakes Pilotage based on the "Rate-making Analyses and Methodology" published in the Federal Register on May 9, 1996. Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR part 404, appendix A, step 7; or, if the director determines that pilotage rates are within a reasonable range of their target, make no adjustments. This rulemaking may take place annually. It supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 01/23/03 | 68 FR 3202 |
| NPRM Comment Period Extended | 02/14/03 | 68 FR 7489 |
| NPRM Comment Period Extended | 04/01/03 | 68 FR 15697 |
| NPRM Correction | 04/01/03 | |
| Public Meeting (04/14) | 04/01/03 | |

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM Comment Period End | 05/01/03 | |
| Interim Rule | 12/12/03 | 68 FR 69564 |
| Interim Rule Comment Period End | 02/10/04 | |
| Interim Rule | 12/00/04 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG30

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: Paul Wasserman, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2856

RIN: 1625-AA38

1273. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING (USCG-2003-14472)

Priority: Other Significant

Legal Authority: 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46 USC 2107; 46 USC 2110; 46 USC 12106; 46 USC 12120; 46 USC 12122; 46 USC app 876

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: On August 9, 2004, the President signed the Coast Guard and Maritime Transportation Act of 2004 (the 2004 Act) (Pub. L. 108-293), which made significant amendments to 46 U.S.C. 12106 with regard to certain vessels engaged in coastwise trade. In response to those changes, the Coast Guard and Maritime Administration are withdrawing the joint notice of proposed rulemaking published on February 4, 2004, and the Coast Guard will begin a new rulemaking. The question raised by the Coast Guard on third-party auditing of applications for an endorsement was not addressed in the 2004 Act and will be carried forward in the new rulemaking. All comments and documents received in this docket will be available for use in the new rulemaking.

DHS—USCG

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/04/04 | 69 FR 5403 |
| NPRM Comment Period End | 05/04/04 | |
| Notice of Withdrawal | 11/00/04 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG55**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271-2506

RIN: 1625-AA63**1274. TERMS IMPOSED BY STATES ON NUMBERING OF VESSELS (USCG-2003-15708)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 46 USC 12307**CFR Citation:** 33 CFR 174, subpart B**Legal Deadline:** None

Abstract: This rulemaking would expand the number of conditions that a State may require in order for owners to obtain vessel numbering certificates in that State. Current Federal statutes and regulations limit these conditions to proof of ownership or payment of State or local taxes. The proposed rule would allow any State to impose proof of liability insurance as a condition for obtaining vessel numbering certificates in that State. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/14/04 | 69 FR 2098 |
| NPRM Comment Period End | 04/13/04 | |
| Final Rule | 11/00/04 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: Audrey Pickup, Project Manager, G-OPB-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0872

RIN: 1625-AA75**1275. REVIEW AND UPDATE OF STANDARDS FOR MARINE EQUIPMENT (USCG-2003-16630)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306; 46 USC 4102; 46 USC 4302**CFR Citation:** 46 CFR 32; 46 CFR 50; 46 CFR 52; 46 CFR 54; 46 CFR 56; 46 CFR 58; 46 CFR 62; 46 CFR 63; 46 CFR 110 to 113; 46 CFR 182**Legal Deadline:** None

Abstract: This project would incorporate national and international standards for certain marine equipment and marine electrical equipment into title 46 of the Code of Federal Regulations (CFR). These standards would replace long-outdated ones, or update standards that were superseded fairly recently. The Coast Guard has actively participated in the development of national and international standards of safety for marine equipment through the International Maritime Organization, the International Organization for Standardization, and the American Society for Testing and Materials, as well as through other standards-setting bodies under the American National Standards Institute. We would incorporate these standards into the appropriate parts of title 46.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/30/04 | 69 FR 39742 |
| NPRM Comment Period End | 09/28/04 | |
| Final Rule | 02/00/05 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Thane Gilman, Project Manager, G-MSE, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-6048
Email: tgilman@comdt.uscg.mil

RIN: 1625-AA83**1276. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S LICENSES AND CERTIFICATES OF REGISTRY (USCG-2004-17455)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; DHS Delegation no. 0170.1, para (92)**CFR Citation:** 46 CFR 10**Legal Deadline:** None

Abstract: This rule would impose certain security-related requirements in order to obtain a license or certificate of registry. Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Interim Rule | 03/00/05 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined

Agency Contact: Gerald P. Miente, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0221

RIN: 1625-AA85

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)
Long-Term Actions**1277. SAFETY ZONE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1225; 33 USC 1231; 33 USC 1233**CFR Citation:** 33 CFR 165**Legal Deadline:** None

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety of events, vessels, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones, defined in 33 CFR 165.20, are established for events such as fireworks displays, high-speed races, bridge repairs, dredging, or salvage operations, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Safety zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, maritime mobility, and protection of natural resources. The total actions expected from May 1, 2004, to April 30, 2005, are 300.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 04/00/06 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

Agency Contact: George Detweiler, Project Manager G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0574

RIN: 1625-AA00
1278. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS
Priority: Routine and Frequent**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071**CFR Citation:** 33 CFR 110**Legal Deadline:** None

Abstract: These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. The total actions expected from May 1, 2004, to April 30, 2005, are 10.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 04/00/06 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AA98

Agency Contact: Ed LaRue, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0416
Email: elarue@comdt.uscg.mil

RIN: 1625-AA01
1279. DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)
Priority: Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 155**Legal Deadline:** Final, Statutory, August 18, 1992.

Abstract: The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of

discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because of substantial public interest.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| ANPRM | 08/30/91 | 56 FR 43534 |
| ANPRM Comment Period End | 10/16/91 | |
| NPRM | 09/29/92 | 57 FR 44912 |
| NPRM Comment Period Extended | 10/26/92 | 57 FR 48489 |
| NPRM Comment Period End | 10/29/92 | |
| NPRM Comment Period Extended | 11/16/92 | |
| Interim Final Rule | 12/22/93 | 58 FR 67988 |
| Interim Final Rule Effective | 01/21/94 | |
| Correction | 01/26/94 | 59 FR 3749 |
| Interim Final Rule Comment Period End | 02/22/94 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None

Additional Information: Transferred from RIN 2115-AD66

Agency Contact: David A. DuPont, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0971

RIN: 1625-AA02
1280. ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)
Priority: Other Significant**Legal Authority:** PL 101-380, sec 4116(c) (codified as 46 USC 3703 note)**CFR Citation:** 33 CFR 168**Legal Deadline:** None

Abstract: This project promulgates 33 CFR part 168 and provides escort requirements for certain single-hull tankers in Prince William Sound and Puget Sound. It supports the Coast Guard's strategic goal of protecting

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Long-Term Actions

natural resources, and is considered significant because of substantial public and State government interest.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 07/07/92 | 57 FR 30058 |
| NPRM Comment Period End | 09/08/92 | |
| NPRM Comment Period Reopened | 03/26/93 | 58 FR 16391 |
| Notice of Public Hearings | 04/29/93 | 58 FR 25959 |
| Correction | 05/19/93 | 58 FR 29157 |
| NPRM Comment Period End | 06/24/93 | |
| Notice of Availability – Part 1 of Study | 01/10/94 | 59 FR 1411 |
| Final Rule | 08/19/94 | 59 FR 42962 |
| Final Rule – Suspension of Crash–Stop Provision | 11/01/94 | 59 FR 54519 |
| Final Rule – Partial Suspension Effective | 11/17/94 | |
| Final Rule Effective | 11/17/94 | |
| Notice of Availability – Part II of Study | 02/01/95 | 60 FR 6345 |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project (RIN 1625-AA05; transferred from RIN 2115-AA10 when Coast Guard transferred from the Department of Transportation to DHS) is related to RIN 1625-AA65 (Escort Vessels for Certain Tankers - Crash Stop Criteria, USCG-2003-14734). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action requires the Coast Guard to remove the suspension of 33 CFR 168.50(b)(2) and to determine its final status (either effective as promulgated, amended, or removed). All previous activity for RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD 91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05

is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open RIN 1625-AA65 under a DMS-compatible Coast Guard docket number, USCG-2003-14734, and to treat it as the rulemaking vehicle for resolving the status of 33 CFR 168.50(b)(2). All publications under RIN 1625-AA05 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials. ANALYSIS: Regulatory Evaluation, August 19, 1994, 59 FR 42962.

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173

Related RIN: Related to 1625-AA10, Related to 1625-AA65

RIN: 1625-AA05

1281. REGATTA AND MARINE PARADE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: These routine and frequent, special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding eight hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-

sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2004, to April 30, 2005, are 40.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|---------|
| Action Will Continue Through | 04/00/06 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE46

Agency Contact: Carlton Perry, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0979

RIN: 1625-AA08

1282. DRAWBRIDGE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2004, to April 30, 2005, are 150.

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Long-Term Actions

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 04/00/06 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE47

Agency Contact: Alesia Steinberger, Project Manager, G—OPT—1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–6215**RIN:** 1625–AA09**1283. ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91–202A)****Priority:** Other Significant**Legal Authority:** PL 101–380, sec 4116(c) (codified as 46 USC 373 note)**CFR Citation:** 33 CFR 168**Legal Deadline:** None**Abstract:** This rule would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Marine Safety, Security and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. It is significant because of substantial public and State government interest.**Timetable:**

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 04/27/93 | 58 FR 25766 |
| Comment Period End | 06/28/93 | |
| Request for Comments | 12/21/94 | 59 FR 65741 |
| Comment Period End | 02/13/95 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** We are in the process of deciding how to respond to the comments we have received. This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound.

Transferred from RIN 2115-AE56

Agency Contact: LT Sam Stevens, Project Manager, G—MSE—1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593

Phone: 202 267–0173

Related RIN: Related to 2115–AE10**RIN:** 1625–AA10**1284. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1231; 33 USC 1221; 33 USC 1223**CFR Citation:** 33 CFR 165**Legal Deadline:** None**Abstract:** These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from May 1, 2004, to April 30, 2005, are 35.**Timetable:**

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 04/00/06 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this

RIN will have individual docket numbers.

Transferred from RIN 2115-AE84

Agency Contact: Ed LaRue, Project Manager, G—MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267–0416

Email: elarue@comdt.uscg.mil

RIN: 1625–AA11**1285. MARINE TRANSPORTATION-RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG–1999–5705)****Priority:** Other Significant**Legal Authority:** 33 USC 1321(j); PL 101–380**CFR Citation:** 33 CFR 154**Legal Deadline:** None**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625-AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.**Timetable:**

| Action | Date | FR Cite |
|---------------------------|----------|-------------|
| ANPRM | 05/03/96 | 61 FR 20084 |
| Notice of Public Hearings | 07/03/96 | 61 FR 34775 |
| ANPRM Comment Period End | 09/03/96 | |
| NPRM | 03/31/00 | 65 FR 17416 |
| NPRM Comment Period End | 06/29/00 | |
| Next Action Undetermined | | |

DHS—USCG

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC on July 30, 1996; Houston, TX on August 5, 1996; and Houston, TX on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA on May 10 and 11, 2000.

Transferred from RIN 2115-AE87

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Eric Bauer, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0417

RIN: 1625-AA12
1286. TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1998-4354)
Priority: Other Significant**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380**CFR Citation:** 33 CFR 155**Legal Deadline:** None

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry bulk hazardous substances. A separate rulemaking, under RIN 1625-AA12, would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 05/03/96 | 61 FR 20084 |
| Notice of Public Hearings | 07/03/96 | 61 FR 34775 |
| ANPRM Comment Period End | 09/03/96 | |
| NPRM | 03/22/99 | 64 FR 13734 |
| Notice of Public Hearing | 06/15/99 | 64 FR 31994 |
| NPRM Comment Period Extended | 06/15/99 | |
| NPRM Comment Period End | 06/21/99 | |
| NPRM Extended Comment Period End | 08/30/99 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: Old Docket Number CGD 94-032.

Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in Houston, TX, on August 12 and 13, 1999.

Transferred from RIN 2115-AE88

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Paul Lattanzi, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-1983

RIN: 1625-AA13
1287. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)
Priority: Substantive, Nonsignificant**Legal Authority:** 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356**CFR Citation:** 33 CFR 140 to 147**Legal Deadline:** None

Abstract: This project would revise the regulations on Outer Continental Shelf (OCS) activities to: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and

accommodation spaces; require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Request for Comments | 06/27/95 | 60 FR 33185 |
| Comment Period End | 09/25/95 | |
| NPRM | 12/07/99 | 64 FR 68416 |
| NPRM Correction | 02/22/00 | 65 FR 8671 |
| NPRM Comment Period Extended | 03/16/00 | 65 FR 14226 |
| NPRM Comment Period Extended | 06/30/00 | 65 FR 40559 |
| NPRM Comment Period End | 11/30/00 | |
| Final Rule | 12/00/05 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: The notice of request for comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments, that docket was terminated. This project continues under Docket No. USCG-1998-3868 and RIN 1625-AA18.

Transferred from RIN 2115-AF39

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: James Magill, Project Manager, G-MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

DHS—USCG

Long-Term Actions

Phone: 202 267-1082

RIN: 1625-AA18

**1288. SALVAGE AND MARINE
FIREFIGHTING REQUIREMENTS;
VESSEL RESPONSE PLANS FOR OIL
(USCG-1998-3417)****Priority:** Economically Significant**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 155**Legal Deadline:** None

Abstract: Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (groups I-IV) or a discovery of a discharge (group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the Vessel Response Plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms "salvage expertise and equipment" and "vessel firefighting capability" requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24-hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of the natural resources. This rulemaking is also significant because it concerns a matter of substantial public interest or controversy.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|------------|
| Final Rule – Partial Suspension | 02/12/98 | 63 FR 7069 |

| Action | Date | FR Cite |
|---|----------|-------------|
| Final Rule – Partial Suspension | 01/17/01 | 66 FR 3876 |
| NPRM | 05/10/02 | 67 FR 31868 |
| Public Meeting 7/9/02, 7/17/02, 7/25/02 | 06/12/02 | 67 FR 40254 |
| Public Meeting 9/26/02 | 08/07/02 | 67 FR 51159 |
| NPRM Comment Period Extended | 08/07/02 | |
| NPRM Comment Period End | 10/18/02 | |
| Final Rule – Partial Suspension | 01/23/04 | 69 FR 3236 |
| Next Action Undetermined | | |

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: Partial suspension of regulations created through the Vessel Response Plan final rule, Docket No. 91-034, RIN 2115-AD81. The project was originally titled "Salvage and Firefighting Equipment; Vessel Response Plans." The change was made in order to distinguish this project from other similarly titled projects within the Coast Guard.

Transferred from RIN 2115-AF60

URL For More Information:
dms.dot.gov**URL For Public Comments:**
dms.dot.gov

Agency Contact: LT Reed Kohberger, Project Manager, G-MOR-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0448

RIN: 1625-AA19

**1289. DEEPWATER PORTS
(USCG-1998-3884)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1504**CFR Citation:** 33 CFR 148 to 150**Legal Deadline:** None

Abstract: This rulemaking project revises regulations adopted in 1975 to implement the Deepwater Port Act of 1974. It updates and streamlines those regulations in accordance with the 1996 Deepwater Port Modernization Act. It also extends the deepwater port regulations to the natural gas deepwater ports authorized by Congress in the Maritime Transportation Security Act

of 2002. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| ANPRM | 08/29/97 | 62 FR 45774 |
| ANPRM Comment Period End | 10/13/97 | |
| NPRM | 05/30/02 | 67 FR 37920 |
| NPRM Comment Period End | 07/29/02 | |
| NPRM Comment Period Reopened | 08/19/02 | 67 FR 53764 |
| Second NPRM Comment Period End | 09/18/02 | |
| Temporary Interim Rule | 01/06/04 | 69 FR 724 |
| Temporary Interim Rule Comment Period End | 07/05/04 | |
| Final Rule | 10/00/06 | |

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:**
Undetermined

Additional Information: An advance notice of proposed rulemaking was published under Docket Number USCG-1998-4441. That docket number is replaced with USCG-1998-3884.

Transferred from RIN 2115-AF63

URL For More Information:
dms.dot.gov**URL For Public Comments:**
dms.dot.gov

Agency Contact: Mark Prescott, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0225

RIN: 1625-AA20

**1290. COMMERCIAL DIVING
OPERATIONS (USCG-1998-3786)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101**CFR Citation:** 46 CFR 197**Legal Deadline:** None

Abstract: This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1977. A review of the

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Long-Term Actions

commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 06/26/98 | 63 FR 34840 |
| ANPRM Comment Period Extended | 09/23/98 | 63 FR 50848 |
| ANPRM Comment Period End | 11/09/98 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AF64**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Mark Prescott, Project Manager, G—MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0225

RIN: 1625-AA21**1291. IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND—AREA WATERS (USCG—1998–4501)****Priority:** Other Significant**Legal Authority:** 33 USC 1223 to 1224**CFR Citation:** 33 CFR ch. 1**Legal Deadline:** None

Abstract: This rulemaking would promulgate measures to improve maritime safety in Puget Sound—Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast

Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 11/24/98 | 63 FR 64937 |
| ANPRM Comment Period End | 05/24/99 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** Transferred from RIN 2115-AF68**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Sam Stevens, Project Manager, G—MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173

RIN: 1625-AA22**1292. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG—2000–7080)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306**CFR Citation:** 33 CFR 97**Legal Deadline:** None

Abstract: This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross

tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 12/01/00 | 65 FR 75201 |
| NPRM Comment Period End | 03/01/01 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: This rulemaking is being returned to a long-term schedule. In the 2002 spring agenda, we announced we would be withdrawing this rulemaking but we are currently reevaluating that decision.

Transferred from RIN 2115-AF97

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Dave Dolloff, Project Manager, G—MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1190

RIN: 1625-AA25**1293. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG—2001–8661)****Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155**Legal Deadline:** None

Abstract: This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

DHS—USCG

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Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 10/11/02 | 67 FR 63331 |
| NPRM Comment Period Extended | 11/19/02 | 67 FR 69697 |
| NPRM Comment Period End | 01/09/03 | |
| Extended NPRM Comment Period End | 04/08/03 | |
| Final Rule | 07/00/06 | |

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred
from RIN 2115-AG05**URL For More Information:**
dms.dot.gov**URL For Public Comments:**
dms.dot.gov**Agency Contact:** LT Eric Bauer, Project
Manager, G—MOR, Department of
Homeland Security, U.S. Coast Guard,
2100 Second Street SW., Washington,
DC 20593-0001
Phone: 202 267-0417**RIN:** 1625-AA26**1294. ELECTRONIC CHART DISPLAY
AND INFORMATION SYSTEM (ECDIS)
(USCG-2001-8826)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223; 33 USC
1231; 46 USC 2103; 46 USC 3703; 46
USC 6101; 46 USC 8502**CFR Citation:** 33 CFR 164**Legal Deadline:** None**Abstract:** This rule would allow
commercial vessels the option of using
an IMO-approved Electronic Charting
Display and Information System
(ECDIS) as a primary means of
navigation in U.S. waters instead of
paper charts. Compliance with this rule
would be optional; any vessel choosing
not to use such an ECDIS must
continue to navigate using corrected
and updated printed charts and
publications. This rule supports the
Coast Guard's strategic goal of maritime
safety.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 05/02/01 | 66 FR 21899 |
| ANPRM Comment Period End | 07/02/01 | |
| Next Action Undetermined | | |

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** This
rulemaking has been shifted onto a
long-term schedule. In the 2002 spring
agenda, we announced that we would
be withdrawing this rulemaking. We
are still reevaluating that decision.

Transferred from RIN 2115-AG09

URL For More Information:
dms.dot.gov**URL For Public Comments:**
dms.dot.gov**Agency Contact:** LCDR James Rocco,
Project Manager, G—MWV-2,
Department of Homeland Security, U.S.
Coast Guard, 2100 Second Street SW.,
Washington, DC 20593
Phone: 202 267-0550**RIN:** 1625-AA29**1295. FEDERAL REQUIREMENTS FOR
PROPELLER INJURY AVOIDANCE
MEASURES (USCG 2001-10163)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None**Abstract:** This rule would establish
Federal requirements for nonplaning
recreational houseboats equipped with
propeller driven propulsion located aft
of the transom. This rule would require
owners of these nonplaning recreational
houseboats to install either one or two
propulsion unit measures (a propeller
guard or a jet pump drive) or employ
three combined measures (use of an
ignition cut-off switch, where installed,
and install a swim ladder interlock
device and an aft-visibility device).
Owners of rental houseboats would
have to also install an ignition cut-off
switch, if not already installed. These
requirements would reduce the number
of boaters who are seriously or fatally
injured when struck by the propeller
of a nonplaning recreational houseboat.
This rulemaking would implement
recommendations made by the National
Boating Safety Advisory Council. It
supports the Coast Guard's strategic
goal of marine safety.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 12/10/01 | 66 FR 63645 |

| Action | Date | FR Cite |
|---------------------------------|------------------|-------------|
| NPRM Comment Period End | 03/11/02 | |
| NPRM Comment Period Extended | 03/26/02 | 67 FR 13738 |
| NPRM Comment Period End | 05/11/02 | |
| Final Rule | To Be Determined | |

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred
from RIN 2115-AG18**URL For More Information:**
dms.dot.gov**URL For Public Comments:**
dms.dot.gov**Agency Contact:** Carlton Perry, Project
Manager, G—OPB-1, Department of
Homeland Security, U.S. Coast Guard,
2100 Second Street SW., Washington,
DC 20593-0001
Phone: 202 267-0979**RIN:** 1625-AA31**1296. STANDARDS FOR LIVING
ORGANISMS IN SHIPS' BALLAST
WATER DISCHARGED IN U.S.
WATERS (USCG-2001-10486)****Priority:** Other Significant. Major status
under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None**Abstract:** This rulemaking would add
a performance standard to 33 CFR part
151, subpart D, for all ballast water
treatment methods being used as
alternatives to midocean ballast water
exchange. It supports the Coast Guard's
strategic goals of marine safety and
protection of natural resources. This
project is significant due to high
interest among several Federal and
State agencies.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|------------|
| ANPRM | 03/04/02 | 67 FR 9632 |
| ANPRM Comment Period End | 06/03/02 | |
| NPRM | 12/00/05 | |

**Regulatory Flexibility Analysis
Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

DHS—USCG

Long-Term Actions

Additional Information: Transferred from RIN 2115-AG21

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: Dr. Richard Everett, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2243

RIN: 1625-AA32

1297. DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG-2001-10881)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eighth District Bridges Administration St. Louis, MO, with a general bridge closure requirement during the winter season when navigation is reduced, and eliminate any unnecessary distinction between commercial and recreational vessels in subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 04/17/03 | 68 FR 18922 |
| NPRM Comment Period End | 06/02/03 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG27

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: J. Christopher Jaufmann, Project Manager (G-OPT-1), Department of Homeland Security, U.S. Coast Guard, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0377

RIN: 1625-AA36

1298. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG-2001-11865)

Priority: Other Significant

Legal Authority: 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminated on March 31, 2003. In this final rule, most of the changes introduced by the temporary final rule have been made permanent. This rulemaking supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, and maritime mobility.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| NPRM | 06/19/02 | 67 FR 41659 |
| NPRM Comment Period End | 08/19/02 | |
| Final Rule | 02/28/03 | 68 FR 9537 |
| Final Rule Effective | 04/01/03 | |
| Final Rule Partial Suspension | 05/22/03 | 68 FR 27907 |
| Final Rule Correction | 11/10/03 | 68 FR 63735 |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG35

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: LTJG Kimberly Andersen, Project Manager, G-MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2562

RIN: 1625-AA41

1299. PROTECTION FOR WHISTLEBLOWERS IN THE COAST GUARD (USCG-2002-13016)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1034

CFR Citation: 33 CFR 53

Legal Deadline: None

Abstract: This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make "protected" communications either to an organization within the Department within which the Coast Guard is operating concerned with audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints: (a) of violations of statute or regulation prohibiting sexual harassment; (b) of unlawful discrimination; and (c) of gross mismanagement. This project supports the Coast Guard's five strategic goals of maritime safety and security, protection of natural resources, maritime mobility, and national defense.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG49

Agency Contact: LT Patrick Grace, Project Manager, G-LGL, Department of

DHS—USCG

Long-Term Actions

Homeland Security, U.S. Coast Guard,
2100 Second Street SW., Washington,
DC 20593
Phone: 202 267-0064

RIN: 1625-AA50

**1300. VESSEL TRAFFIC SERVICE
LOWER MISSISSIPPI RIVER
(USCG-1998-4399)**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223(a)

CFR Citation: 33 CFR 26; 33 CFR 161;
33 CFR 165

Legal Deadline: None

Abstract: This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 Above Head of Passes (AHP)) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 AHP. Unlike traditional VTSs, which are based on radar and video surveillance and rely on voice communications by VHF-FM radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 04/26/00 | 65 FR 24616 |
| NPRM Comment Period End | 07/25/00 | |
| NPRM Comment Period Reopened | 08/18/00 | 65 FR 50479 |
| NPRM Comment Period End | 12/01/00 | |
| Final Rule | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project was originally entitled "Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement." The VTS LMR will retain RIN 1625-AA58. The AIS carriage requirement was developed in a separate rulemaking (see USCG-2003-14757, RIN 1625-AA67).

Transferred from RIN 2115-AF75

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: Jorge Arroyo, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6277

RIN: 1625-AA58

**1301. RULES OF PRACTICE,
PROCEDURE, AND EVIDENCE FOR
ADMINISTRATIVE PROCEEDINGS OF
THE COAST GUARD (USCG
1998-3472)**

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609

CFR Citation: 33 CFR 20; 46 CFR 5

Legal Deadline: None

Abstract: The Coast Guard maintains two separate sets of procedural rules: the administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; and those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. We are in the process of deciding how to respond to comments received.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 04/06/98 | 63 FR 16731 |
| NPRM Comment Period End | 05/06/98 | |
| NPRM Comment Period Reopened | 05/20/98 | 63 FR 27700 |
| NPRM Comment Period End | 06/19/98 | |
| Interim Final Rule | 05/24/99 | 64 FR 28054 |
| Interim Final Rule Effective | 06/23/99 | |
| Interim Final Rule Correction | 06/28/99 | 64 FR 34540 |
| Interim Final Rule Comment Period End | 07/23/99 | |
| Interim Final Rule Comment Period Reopened | 10/05/99 | 64 FR 53970 |
| Interim Final Rule Comment Period End | 04/03/00 | |

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking revises in part the previous docket of CGD 94-101, which was terminated on December 20, 1995.

Transferred from RIN 2115-AF59

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: George Jordan, Project Manager, G-CJ, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-2940

RIN: 1625-AA59

**1302. ESCORT VESSELS FOR
CERTAIN TANKERS—CRASH STOP
CRITERIA (USCG-2003-14734)**

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-380, sec 4116(c) (codified as 46 USC 3703 note)

CFR Citation: 33 CFR 168

Legal Deadline: None

Abstract: This rulemaking would remove the suspension of 33 CFR 168.50 (b)(2) made in 1994 by related rulemaking RIN 1625-AA05, and would finalize that provision's status either by allowing it to take effect, by amending

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it, or by removing it. This project would support the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

| Action | Date | FR Cite |
|--------|-------|------------|
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: This project is related to RIN 1625-AA05 (Escort Vessels for Certain Tankers, CGD91-202). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action in RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05 is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open this rulemaking, RIN 1625-AA65, under a DMS-compatible Coast Guard docket number, USCG-2003-14734. All publications under RIN 1625-AA65 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

Agency Contact: LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173

Related RIN: Related to 1625-AA05, Related to 1625-AA10

RIN: 1625-AA65

1303. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S DOCUMENTS (MMDS) (USCG-2003-14500)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking describes enhancements to the application procedures for the "Merchant Mariners Documents" (MMDs) required for ocean going vessels of over 200 gross tons. This includes a background check, fingerprinting for each application, showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity before fingerprints are taken.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|--------------|-------------|
| Notice of Meeting | 02/20/03 | 68 FR 8326 |
| Notice of Policy | 04/08/03 | 68 FR 17064 |
| Interim Rule | 01/06/04 | 69 FR 526 |
| Correction to Interim Rule | 02/11/04 | 69 FR 6575 |
| Interim Rule Comment Period End | 04/05/04 | |
| Next Action | Undetermined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Gerald P. Miente, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0221

RIN: 1625-AA81

1304. SECURITY ZONE REGULATIONS

Priority: Routine and Frequent. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1226; 33 USC 1231; 50 USC 191; 33 CFR 6

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the security of vessels, waterfront facilities, or individuals. Many of these zones are of short duration, a few hours to a few days, and all are geographically limited in area. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Some security zones are implemented only at heightened security levels and only for the duration of the heightened alert. Security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine security, mobility, protection of natural resources, and national defense. The total actions expected from May 1, 2004, to April 30, 2005, are 200.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 04/00/06 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

Agency Contact: CDR Cynthia Stowe, Project Manager (G-MPS-2), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-4150
Email: cstowe@comdt.uscg.mil

RIN: 1625-AA87

1305. • DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES (USCG-2003-16814)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1901; 33 USC 1321 et seq; PL 108-293

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking implements Congressional directives. Public Law 108-293 directs the Coast Guard to

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continue implementation of an existing enforcement policy that regulates incidental dry cargo residue on the Great Lakes, until September 30, 2008, or until the promulgation of new regulations that would replace the existing policy. The statute also directs the Coast Guard to undertake any environmental assessment that would be necessary to support new regulations.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: A timetable for this rulemaking will be set after completion of the environmental assessment. Supplementary information about this rulemaking may be found in the docket for this rulemaking. The

docket may be accessed via the URL listed below.

URL For More Information:
www.dms.dot.gov

Agency Contact: LCDR Mary Sohlberg, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593
Phone: 202 267-0713
Email: msohlberg@comdt.uscg.mil
RIN: 1625-AA89

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)

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1306. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG 1999-5610)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; 46 USC ch 71; 46 USC ch 73

CFR Citation: 46 CFR 12; 46 CFR 15; 46 CFR 10

Legal Deadline: None

Abstract: This project will implement new amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 that impose requirements for training and qualifications of masters, officers, engineers, and "ratings." The following training courses are mandatory for the personnel on passenger ships other than roll-on, roll-off, carrying more than 12 passengers operating on international voyages: (1) Crisis Management and Human Behavior; (2) Crowd Management; (3) Special Safety; (4) Passenger Safety, with special attention given to disabled persons and others needing assistance; and (5) Special Familiarization. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 06/15/00 | 65 FR 37507 |
| NPRM Comment Period End | 09/13/00 | |
| Interim Rule | 10/30/02 | 67 FR 66063 |
| Interim Rule Comment Period End | 12/30/02 | |
| Final Rule | 06/10/04 | 69 FR 32465 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AF83

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: Mark Gould, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6890

RIN: 1625-AA24

1307. ALTERNATE TONNAGE CONVENTION: SMALL PASSENGER VESSELS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 14 USC 14104

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking would amend small passenger vessel regulations retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302. We have decided to withdraw this item from the agenda. We will request additional information from the public.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 10/13/04 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2115-AG29

Agency Contact: Peter D. Eareckson, Project Manager, Marine Safety Center, Department of Homeland Security, U.S. Coast Guard, 400 7th Street SW., Washington, DC 20590-0001
Phone: 202 366-6502

RIN: 1625-AA37

1308. PENALTIES FOR NONSUBMISSION OF BALLAST WATER MANAGEMENT REPORTS (USCG-2002-13147)

Priority: Other Significant

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would set penalties for vessels that fail to submit ballast water management reports, as required in subpart D of 33 CFR 151. It supports the Coast Guard's strategic goals of protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-----------|
| NPRM | 01/06/03 | 68 FR 523 |
| NPRM Comment Period End | 04/07/03 | |
| Final Rule | 06/14/04 | 69 FR 113 |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG50

URL For More Information:

DHS—USCG

Completed Actions

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Bivan Patnaik, Project Manager, G—MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-1744

RIN: 1625-AA51

1309. MANDATORY BALLAST WATER MANAGEMENT PROGRAM FOR U.S. WATERS (USCG-2003-14273)

Priority: Other Significant

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would make ballast water management requirements applicable to all vessels equipped with ballast water tanks entering a port or place in the United States. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/30/03 | 68 FR 44691 |
| NPRM Comment Period End | 10/28/03 | |
| Final Rule | 07/28/04 | 69 FR 44952 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG52

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Bivan Patnaik, Project Manager, G—MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-1744

RIN: 1625-AA52

1310. COUNTRY OF ORIGIN CODES AND REVISION OF REGULATIONS ON HULL IDENTIFICATION NUMBERS (USCG-2003-14272)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 181.27

Legal Deadline: None

Abstract: By modifying a restriction on U.S. boat manufacturers when they label a boat with a hull identification number (HIN), this proposed rule would make it less expensive for the manufacturers to comply with an international HIN standard for boats they would like to export and thus this rulemaking would support the Coast Guard's strategic goal of maritime mobility.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/20/03 | 68 FR 36957 |
| NPRM Comment Period End | 09/18/03 | |
| Final Rule | 06/17/04 | 69 FR 33858 |
| Final Action Effective | 08/16/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG53

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Alston Colihan, Project Manager, G—OPB-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0981

RIN: 1625-AA53

1311. ALTERNATE HULL EXAMINATION PROGRAM FOR CERTAIN PASSENGER VESSELS, AND UNDERWATER SURVEYS FOR PASSENGER, NAUTICAL SCHOOL, AND SAILING SCHOOL VESSELS (USCG-2000-6858)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3305; 46 USC 3308

CFR Citation: 46 CFR 71; 46 CFR 115; 46 CFR 167; 46 CFR 169; 46 CFR 176

Legal Deadline: None

Abstract: This regulatory project will establish hull examination alternatives and a drydock extension policy for qualifying passenger vessels that operate exclusively on benign, low-risk environments, and that have limited

time under way. In addition, the proposed regulations would provide the option of alternating drydock examinations with underwater surveys for passenger vessels. This project supports the Coast Guard's strategic Marine Safety, Security and Environmental Protection Program's goal of mobility by facilitating commerce and eliminating interruptions and impediments to the economical movement of goods and people.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 04/29/02 | 67 FR 21062 |
| Interim Final Rule Effective | 06/28/02 | |
| Interim Final Rule Comment Period End | 07/29/02 | |
| Collection of Information Interim Rule Sections Effective | 08/28/02 | |
| Interim Final Rule; Announcement of Effective Date | 08/28/02 | 67 FR 55162 |
| Interim Rule; Announcement of Effective Date; Correction | 10/18/02 | 67 FR 64315 |
| Final Rule | 08/05/04 | 69 FR 47378 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project is split from RIN 2115-AF73. The split was a result of comments received under the notice of proposed rulemaking that was published under RIN 2115-AF73, November 15, 1999, 64 FR 62018, entitled Frequency of Inspection Alternate Hull Exam Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels.

Transferred from RIN 2115-AF95

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LCDR Martin Walker, Project Manager, G—MOC, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-1047

RIN: 1625-AA57

DHS—USCG

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1312. FIRE—SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000–6931)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3719; 46 USC 4102**CFR Citation:** 33 CFR 157; 46 CFR 27**Legal Deadline:** NPRM, Statutory, October 1, 1997.

Abstract: The Coast Guard proposes requirements for (a) total-flooding or other installed systems for suppressing fires on existing towing vessels, and (b) voyage-planning. The purpose of this rulemaking is to reduce oil spills from single-hull, non-self-propelled barges because drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This project was developed in cooperation with the Towing Safety Advisory Committee. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 10/06/97 | 62 FR 52057 |
| Comment Period End | 01/05/98 | |
| Comment Period Reopened | 02/27/98 | 63 FR 9980 |
| Notice of Public Meeting | 02/27/98 | 63 FR 9980 |
| Comment Period End | 05/11/98 | |
| Supplemental NPRM | 11/08/00 | 65 FR 66941 |
| Notice of Public Meeting | 12/28/00 | 65 FR 82303 |
| Supplemental NPRM Comment Period End | 03/08/01 | |
| Supplemental NPRM; Notice of Mtg. & Second Reopening Comment Period | 07/11/01 | 66 FR 36223 |
| Second Reopened Comment Period End | 09/15/01 | |
| Interim Rule | 04/29/03 | 68 FR 22604 |
| Interim Rule Comment Period End | 07/28/03 | |
| Interim Rule Effective | 08/27/03 | |
| Final Rule | 06/18/04 | 69 FR 34064 |
| Final Rule Effective | 07/19/04 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Additional Information: This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD

97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: (1) Fire-suppression systems and other measures; (2) control measures for tank barges; and (3) fire-protection measures for towing vessels. The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443; RIN 2115-AF65), and Fire Protection Measures for Towing Vessels (USCG 1998-4445; RIN 2115-AF66).

Transferred from RIN 2115-AF53

URL For More Information: dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: Randall Eberly, Project Manager, G–MSE–4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–1861

RIN: 1625–AA60**1313. WEARING OF PERSONAL FLOTATION DEVICES (PFDs) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG–2000–8589)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175, subpart B**Legal Deadline:** None

Abstract: This rule requires every child under the age of 13 to wear a personal flotation device (PFD)—also called a lifejacket—while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own, comparable requirements. This project supports the Coast Guard's strategic goal of maritime safety.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/01/01 | 66 FR 21717 |
| NPRM Comment Period End | 08/29/01 | |

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Final Rule | 02/27/02 | 67 FR 8881 |
| Notice of Withdrawal of Final Rule | 03/27/02 | 67 FR 19643 |
| Withdrawal of Final Rule Effective | 03/27/02 | |
| Interim Final Rule | 06/24/02 | 67 FR 42488 |
| Interim Final Rule Comment Period End | 08/23/02 | |
| Interim Final Rule Effective | 12/23/02 | |
| Final Rule | 07/30/04 | 69 FR 45589 |
| Final Rule Effective | 08/30/04 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: After publication of the final rule, the State Boating Law Administrator (BLA) of Ohio raised a concern about possible adverse impacts due to Federal enforcement of PFD-wearing requirements on vessels not subject to State requirements because of vessels' lengths. The Coast Guard withdrew the final rule before its effective date and later published an interim final rule that allowed public comment on a new alternative, which removes the potential differences between Federal and State requirements.

Transferred from RIN 2115-AG04

URL For More Information: dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0979

RIN: 1625–AA62**1314. NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG–2003–16688)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC ch 701; DHS Delegation no. 0170.1**CFR Citation:** 33 CFR 160.204; 33 CFR 160.210**Legal Deadline:** None

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Abstract: This regulatory project will revise the definition of Certain Dangerous Cargo (CDC) as listed in 33 CFR 160 subpart C, to include ammonium nitrate and propylene oxide. Furthermore, this project will also provide for optional electronic submission of NOA reports via a web portal. This rulemaking supports the Coast Guard Strategic Goals of Maritime Security, Maritime Safety and National Defense.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| Temporary Final Rule | 08/18/04 | 69 FR 51176 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

URL For More Information:

www.dms.dot.gov

URL For Public Comments:

www.dms.dot.gov

Agency Contact: LTJG Kimberly Andersen, Project Manager, G-MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2562

RIN: 1625-AA82

1315. SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CGD 08-04-004)

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 85; 43 USC 1333

CFR Citation: 33 CFR 147

Legal Deadline: None

Abstract: The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility

located in Green Canyon 608 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment, and supports the Coast Guards's strategic goals of marine safety and protection of natural resources.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|--------------|
| NPRM | 03/15/04 | 69 FR 12098 |
| NPRM Comment Period End | 05/14/04 | |
| Final Rule | 06/17/04 | 69 FR 338556 |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Buildings, 500 Poydras Street, New Orleans, LA 70130
Phone: 504 589-6217

Email: klynn@d8.uscg.mil

RIN: 1625-AA84

1316. UNAUTHORIZED ENTRY INTO CUBAN TERRITORIAL WATERS (USCG-2004-17509)

Priority: Other Significant

Legal Authority: 50 USC 191; 50 USC 192; 50 USC 194; 50 USC 196; 14 USC 141; Presidential Proclamation 6867, 61 FR 8843; 3 CFR, 1996 Comp. p 8; Presidential Proclamation 7757, 69 FR 9515 (March 1, 2004); Secretary of Homeland Security Order 2004-001; DHS Security Delegation No. 0170.1

CFR Citation: 33 CFR 105-1; 33 CFR 107

Legal Deadline: None

Abstract: This rule requires certain U.S. vessels and vessels without nationality within U.S. territorial waters that thereafter enter Cuban territorial waters to apply for and receive a permit from the U.S. Coast Guard. This project supports the Coast Guard's strategic goals of maritime security and maritime safety.

Timetable:

| Action | Date | FR Cite |
|----------------------|----------|-------------|
| Final Rule | 07/08/04 | 69 FR 41367 |
| Final Rule Effective | 07/02/04 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Chris Murray, Department of Homeland Security, U.S. Coast Guard, Office of Law Enforcement (G-OPL), 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1890

RIN: 1625-AA86